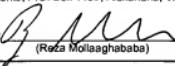


I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 18, 2005      Signature:   
(Reza Mollaaghababe)

Docket No.: 105984-0819  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Chris R. Noel et al.

Application No.: 09/616,477

Confirmation No.: 6510

Filed: July 14, 2000

Art Unit: 2665

For: UPPER LAYER NETWORK DEVICE  
INCLUDING A PHYSICAL LAYER TEST  
PORT

Examiner: D. J. Ryman

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**RESPONSE**

In response to the Office Action issued on August 18, 2004 in the above-referenced patent application, Applicants provide the following amendments and remarks. Reconsideration and allowance of the application are respectfully requested.

Amendments to the Abstract and other portions of the specification begin on Page 2.

A listing of claims begins on Page 5.

Remarks begin on Page 14.